

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	*	CASE NO. 1:19CR483
Plaintiff	*	
-VS-	*	JUDGE JOHN R. ADAMS
FLOYD RANDLE	*	
Defendant	*	<u>DEFENDANT'S SENTENCING</u>
		<u>MEMORANDUM</u>
	* * *	

Now comes the Defendant, Floyd Randle, by and through counsel, and hereby offers the following Memorandum for the Court's consideration at her sentencing hearing.

Respectfully submitted,

/S/ THOMAS M. BAUER, JR.  
THOMAS M. BAUER, JR. #0073432  
Attorney for Defendant  
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BRIEF

PLEA AGREEMENT GUIDELINE CALCULATION

The parties entered into a Plea Agreement. In paragraph 3, the parties agreed that the appropriate disposition of this case is for the Defendant to be sentenced within the range specified in the Sentencing Guidelines.

### PRESENTENCE GUIDELINE CALCULATION

The Presentence determined Defendant's total offense level to be 31 and his Criminal History to be Category IV. TOL 31 and Criminal History Category IV result in a guideline sentence of 151 – 188 months.

### 3553 FACTORS

Counsel asks the Court to consider the following factors set forth in the Presentence.

#### Paragraph 9, PageID #81

Defendant is extremely remorseful for his conduct. He has expressed many times to counsel that he hurt his family and the community. His mother has indicated Defendant has been a caring son. He took care of her when she was sick. He also wants to better himself in prison by taking classes and programs so he can be a productive member of society. Defendant has started to experience health problems while incarcerated, including high blood pressure, headaches and anxiety.

#### Paragraph 29, PageID #84

Defendant was placed in the reentry program after being released early from prison. He successfully completed this intensive program.

#### Paragraph 31, PageID #84

Defendant was on a brief period of probation to complete his sentence for an OVI which he completed while this case was pending. He served ten days in jail.

#### Paragraph 42, PageID #86

Defendant first used marijuana at age 16. Many of his prior convictions are related to his marijuana use.

DRUG TREATMENT

Defendant asks that this Court recommend that he receive drug treatment while incarcerated. Defendant's mother has mental health problems and is being treated for those issues. Attached are letters from medical professionals.

PRISON RECOMMENDATION

Defendant asks that this Court recommend that he be sentenced to a prison closest to Akron, Ohio where some of his family reside, including his mother, brother, wife and kids.

/S/ THOMAS M. BAUER, JR.

THOMAS M. BAUER, JR.

Attorney for Defendant

PROOF OF SERVICE

I hereby certify that on January 6, 2020, a copy of the foregoing Defendant's Sentencing Memorandum was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/S/ THOMAS M. BAUER, JR.

THOMAS M. BAUER, JR.

Attorney for Defendant